

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:12-cr-00217-JCM-GWF

Plaintiff,

ORDER

v.

JUDEL ESPINOZA-GONZALEZ,

Defendant.

Presently before the court is *pro se* defendant Judel Espinoza-Gonzales's motion to amend sentence under Amendment 782 of 18 U.S.C. § 3582(c). (ECF No. 82).

Pursuant to 18 U.S.C. § 3582, the court may reduce a term of imprisonment where a defendant has been sentenced based on a sentencing range subsequently lowered by the United States Sentencing Commission after considering the factors set forth in 18 U.S.C. § 3553(a). 18 U.S.C. § 3582(c)(2). Reductions in a term of imprisonment based on an amended guideline range are governed by the policy statement set forth at U.S.S.G. § 1B1.10.

Pursuant to U.S.S.G. § 1B1.10(b)(2), the court generally may not reduce a defendant's term of imprisonment to a period less than the amended guideline range. U.S.S.G. § 1B1.10(b)(2)(A). The sole exception to this rule involves cases in which the defendant originally received a below-guideline sentence pursuant to a government motion for substantial assistance. U.S.S.G. § 1B1.10(b)(2)(B).

On February 19, 2013, the court sentenced defendant to 181 months. (ECF No. 78). In the instant motion, defendant requests that the court resentence him to a lower-range sentence, resulting from a one- or two-level reduction pursuant to Amendment 782 and based on the attached

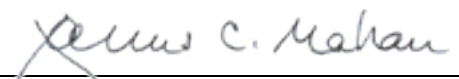
1 exhibits. (ECF No. 82 at 2).

2 Defendant, however, fails to provide any argument in support of his motion except that he
3 is “actively participating in a wide array of rehabilitative programs offered by the Bureau [o]f
4 Prisons.” (ECF No. 82 at 2). Further, despite his claim to the contrary, defendant did not attach
5 any exhibits to the instant motion. Thus, the court will deny defendant’s motion to amend
6 sentence.

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendant’s motion to
9 amend sentence under Amendment 782 of 18 U.S.C. § 3582(c) (ECF No. 82)

10 DATED THIS 18th day of January, 2017.

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13 JAMES C. MAHAN
14 UNITED STATES DISTRICT JUDGE
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